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REMARKS

In response to the Office Action mailed on May 27, 2004, Applicant(s) respectfully request(s) reconsideration.

Claim(s) 1-18 are now pending in this Application.

Claim(s) 1, 9, 17, 18 and 19 are independent claims and the remaining claims are dependent claims.

In this Amendment, claim(s) 1, 9, 12, 17 and 18 have been amended, claims 3 and 4 have been cancelled, and claim(s) 19-22 have been added. Applicant(s) believe that the claim(s) as presented are in condition for allowance. A notice to this affect is respectfully requested.

Rejection under 35 U.S.C. § 103(a) based on Hanzek, U.S. Pat. No. 6,654,726, in view of Payne et al., U.S. Pat. No. 6,449,599:

The Office Action rejects claims 1-18 under 35 U.S.C. 103(a) based on Hanzek (U.S. Pat. No. 6,654,726) in view of Payne (U.S. Pat. No. 6,449,599). Hanzek, however, is inapplicable to the invention disclosed by the present claims because Hanzek teaches an ordering system for locating and "tagging" an available product already in a product pipeline, as disclosed at col. 2, line 67-col. 3, line 1. The presently claimed invention, in contrast, is directed to techniques for processing order messages in predefined formats according to an order type understood by both a customer and a vendor ordering system, as will be discussed in further detail below.

Hanzek '726 discloses a method wherein a consumer is provided realtime information, prior to the placement of an order or purchase, regarding availability and status of a configured product in relation to the product's manufacturing and delivery process or pipeline (col. 2, lines 60-64). The Hanzek '726 system, therefore, is directed to overcoming the availability of product information by a

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purchaser only after an order is placed (col. 2, lines 32-33), by providing access into the manufacturer's "pipeline."

The claimed invention teaches a method having a first and second data set corresponding respectively to first and second predetermined formats, as recited in Claim 1 of the present application. The first data set corresponds to the customer order system and the second data set corresponds to the vendor order system, comprised in first and second messages respectively. Hanzek '726 does not teach or suggest, alone or in combination, first and second predetermined formats for defining first and second data sets in first and second messages, as recited in claim 1. The Office action suggests that Hanzek discloses a second data set according to a second predetermined format at Col. 10, lines 31-50. However, the cited portions of Hanzek merely suggest displaying delivery status reflective of delivery dates (col. 10, lines 37-40). Claim 1 is distinguishable from Hanzek '726 because claim 1 recites first and second data sets corresponding to a particular order, not merely a status reflective of a delivery timeframe on a vehicle for which a "hold" decision has been made (col. 10, lines 32-33). Further, the Hanzek block 444 does not appear to relate to an order because a purchase decision has not been made, only a request to "hold" the vehicle.

The Office action further suggests that Payne et al. '599 teaches document processing. The document in Payne, however, refers to the text of a literary composition or a URL pointing to such a textual reference. The Payne '599 documents are the products sold by the Payne system. The claimed document employed by the present invention refers to a markup document or other syntactically based, tokenized form of encoded information. Therefore, the Payne '599 document refers to free form text data, while the claimed document corresponds to encoded control information operable for automated processing by the order server. Accordingly, there is no teaching or suggestion in Hanzek '726 which would prompt one of ordinary skill to look to Payne to modify Hanzek because Hanzek pertains to tracking a product, such as an automobile, in a

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production pipeline and the Payne documents have no such product pipeline. Further, even if one skilled in the art were to modify Hanzek according to Payne the presently claimed invention would not be realized because the Payne documents are themselves the delivered product, and do not convey information according to the recited first or second predefined format.

Accordingly, Hanzek does not teach or suggest, alone or in combination, first and second predefined formats defining first and second data sets corresponding to first and second order messages, as recited in claim 1. Further, as indicated above, the claimed first and second order messages refer to the same order according to the predetermined format. Therefore, claim 1 has been amended with the subject matter of former claims 3 and 4, now cancelled, to further clarify and distinguish the present claims. Further, claims 9, 17 and 18 have been amended, and claim 19 added, to recite that the first and second predefined formats correspond to the same order being processed by the order server, as disclosed in the specification at page 14, lines 14-16, to further clarify and distinguish the invention defined by the present claims.

The Office Action further rejects claims 4 and 12. The Examiner suggests that Hanzek '726 discloses message types at col. 14, line 46-col. 15, line 5. Hanzek '726, however does not show, teach or disclose, alone or in combination, message types indicative of the first and second predetermined formats. The cited portions of Hanzek refer only to types of manners of searching for a vehicle, not types indicative of the claimed first and second predetermined formats. Accordingly, claim 1 has been amended to incorporate the subject matter of former claims 1 and 4. Further, claim 12 has been herein amended to recite that the message type is indicative of the first and second predetermined formats, as disclosed on page 4, lines 15-20 of the specification as filed, to further clarify and distinguish the claimed invention. Further, claim 21 has been herein added to similarly clarify claim added claim 19, representing the subject matter of former claim 1 similarly amended.

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Rejection under 35 U.S.C. § 101:

The office action further rejects claim 17 based on 35 U.S.C. 101 as failing to define a concrete, useful, and tangible output. Claim 17 pertains to a computer program product for substantially performing the method recited in claim 1. Accordingly, Claim 17 is respectfully submitted as satisfying 35 U.S.C. 101 because claim 17 recites a second data set in a second message comprising a second document organized in a second predefined format suitable for use by an ordering application. Further, the second message is the tangible output suggested by the examiner as insufficient to substantiate 35 U.S.C. 101 utility.

Further, in this manner, claim 17 recites all the features of claim 1 performable by a computer program product. Office personnel have the burden to establish a *prima facie* case that the invention as a whole is directed to solely an abstract idea of does not produce a useful result. *In re Musgrave*, 431 F.2d 882 at 893, 167 USPQ 280 at 289 (CCPA 1970), MPEP § 2106. Here, the second message is a data entity substantively displayable, in a raw or further processed form, in a tangible medium of expression via a variety of user output devices such as printers, CRTs, and the like, and as are commonly known in the art. Accordingly, it is respectfully submitted that the rejection under 35 U.S.C. 101 has been overcome and it is requested that the Examiner withdraw the rejection.

Added Claims:

As indicated above, claim 19 has been herein added, reciting the subject matter of former claims 1 and 4, to further clarify and distinguish the present invention. Claim 20 has been added to reflect the subject matter of former claim 4, as amended in claim 19. Claim 21 has been added to reflect the subject matter of amended claim 12. Claim 22 has been added to recite that the predetermined formats are defined in an XML document, as described at page 16, lines 4-9 of the specification to further clarify and distinguish the previously claimed invention.

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As the remaining claims depend, either directly or indirectly, from claims 1, 9, and 19, which by the foregoing are deemed allowable, it is respectfully submitted that all claims in the case are now allowable and it is requested that the case be passed to issue.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,



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Attorney Docket No.: CIS00-3846

Dated: July 22, 2004